

09372401

1/11/12



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Customer No.: 28061

KEITH JACKSON

Atty. Dkt.: 13338

Patent No: 6,276,974

Issued: 21 August 2001

For: SWITCH SYSTEM FOR PREVENTING
MARINE PROPELLER INJURIES

COMMISSIONER FOR PATENTS
MAIL STOP PETITIONS
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION FOR RECONSIDERATION
(37 C.F.R. §1.378(b)(3))

Petitioners are again requesting a reconsideration of the dismissal of the prior petition mailed 2 October 2012 from the officer of Petitions.

Enclosed is a Declaration from a partner Michael Pickering of the firm which dealt with Mr. Morgan during his life time and established a living trust through which Mr. Morgan, acting solely, ran the Propguard Inc, business. Also, the declarant, Michael Pickering, recalls the difficulties involved in dealing with the trustee of the living trust following Mr. Morgan's death and the trustee's haste to terminate the Propguard Inc, business.

We believe it is evidence from facts recited in the Declarations submitted in support of this Petition that there was

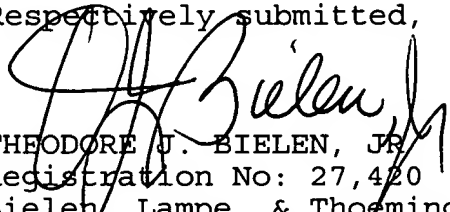
a break in communication between Robert Morgan, who normally paid the patent maintenance fees, and the attorney, Theodore J. Bielen, Jr, following Mr. Morgan's death, which made the payment of the maintenance fee unavoidable.

Reasonable care was taken by the persons involved to insure that the second maintenance fee be timely paid. The first maintenance was timely paid under the same steps that were followed to effect payment of the second maintenance fee. Unfortunately, Mr. Morgan's death disrupted this process.

Reconsideration of the Petition is earnestly requested.

A Petition fee of \$400 is also enclosed with this Petition for Reconsideration.

Respectively submitted,


THEODORE J. BIELEN, JR.
Registration No: 27,420
Bielen, Lampe, & Thoenig
1390 Willow Pass Road,
Suite 1020
Concord, CA 94520
(925) 288-9720
(925) 288-9731 (f)

Date: 14 November 2012



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Customer No.: 28061

KEITH JACKSON

Atty. Dkt.: 13338

Patent No: 6,276,974

Issued: 21 August 2001

For: **SWITCH SYSTEM FOR PREVENTING
MARINE PROPELLER INJURIES**

**COMMISSIONER FOR PATENTS
MAIL STOP PETITIONS
P.O. Box 1450
Alexandria, VA 22313-1450**

DECLARATION OF MICHAEL PICKERING
(37 C.F.R. §1.378(b) (3))

I, Michael Pickering, declare that I am a partner/shareholder of the law firm of the Pickering Law Corporation in Redding California.

Our firm had worked very closely with Mr. Robert Morgan, prior to his death in setting up a living trust to run his many business affairs, including that of Propguard Inc. It is my understanding that Propguard Inc was the original owner of United States Patent 6,276,974.

Following Mr. Morgan's unexpected death on August 8, 2008, his nephew, Robin Hall of Walnut Creek California, and his

longtime friend Mr. Gary Goldberg of Foster City, took charge of Mr. Morgan's many business interests and other affairs. After briefly consulting with our firm, Mr. Hall announced to us that he intended to completely liquidate all of the assets of his late uncle, Robert Morgan, as soon as possible. It is my understanding that the papers associated with Propguard Inc, under Robert Morgan's control were taken by Robin Hall and were sequestered or disposed of by Mr. Hall. Mr. Robin Hall only limitedly requested that our firm aid him sorting or reviewing the papers of Robert Morgan, following his death. Thus, any letters from the patent attorney representing Propguard Inc were never circulated or shown to our firm during the administration of Robert Morgan's estate. The final communication to our firm from Robin Hall indicated that he would immediately "close down the business" of Propguard Inc. No mention of patent rights or obligations under any patents right were ever discussed with our firm.

It was also our understanding that Robin Hall refused to pay any bills of Propguard Inc., and established an antagonistic relationship with the employees of Propguard Inc., at this time.

Robert Morgan, during his lifetime, acted solely, conducting business and paying bills from a large home office, without secretarial help. It should also be noted, that prior to Robert Morgan's death, Robin Hall had no knowledge of the business workings of Propguard Inc. At this time, all of the communications from Mr. Robert Morgan to our firm took place directly with Mr. Robert Morgan prior to his death.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements in the likes so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: _____

11/27/2012


MICHAEL PICKERING



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Customer No.: 28061

KEITH JACKSON

Atty. Dkt.: 13338

Patent No: 6,276,974

Issued: 21 August 2001

For: SWITCH SYSTEM FOR PREVENTING
MARINE PROPELLER INJURIES

COMMISSIONER FOR PATENTS
MAIL STOP PETITIONS
P.O. Box 1450
Alexandria, VA 22313-1450

FURTHER DECLARATION OF THEODORE J. BIELEN, JR
(37 C.F.R. §1.378(b)(3))

I Theodore J Bielen, Jr declare that I was the Attorney who was charged with notifying and paying the maintenance fees on United States Patent 6,276,974. As stated in my prior declaration, the same steps, in notifying and paying the maintenance fees, were carried out with respect to the payment of the first and second maintenance fees. The first maintenance fee was successfully paid by this process.

Also, I was and have never been contacted by the successor -in- interest to Mr. Robert Morgan's living trust, Robin Hall, to this day. I was unable to contact Mr. Robin Hall prior to the signing of the present declaration.

Based on the prior process for paying maintenance fees at

Propguard, Inc, it is my belief that the second maintenance fee would have been timely paid had Mr. Robert Morgan not passed away during the time period when the maintenance fee could have been paid.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements in the likes so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 21 November 2012



THEODORE J. BIELEN, JR